

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kevin Nicholas	Team: Team # 8	CCRB Case #: 200508075	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/06/2005 3:30 PM	Location of Incident: Tompkins Avenue and Halsey Street	Precinct: 79	18 Mo. SOL 1/6/2007	EO SOL 1/6/2007	
Date/Time CV Reported Fri, 07/15/2005 4:30 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Fri, 07/15/2005 4:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Mcleish	09951	928758	079 PCT
2. POM Keith Chatterton	07323	925067	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Spiros Panacopoulos	01972	914905	079 PCT
2. POF Lystra Isaacs	23739	925697	079 PCT
3. POM Steven Nussenblatt	23343	906949	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Mcleish	Abuse: PO Kevin McLeish stopped the car in which § 87(2)(b) was an occupant.	
B.POM Keith Chatterton	Abuse: PO Keith Chatterton stopped the car in which § 87(2)(b) was an occupant.	
C.POM Keith Chatterton	Abuse: PO Keith Chatterton refused to provide his name and shield number to § 87(2)(b)	
D.POM Keith Chatterton	Force: PO Keith Chatterton pointed his gun at § 87(2)(b)	
E.POM Keith Chatterton	Abuse: PO Keith Chatterton arrested § 87(2)(b)	
F.POM Kevin Mcleish	Abuse: PO Kevin McLeish searched the car in which § 87(2)(b) was an occupant.	

Synopsis

On July 6, 2005 at approximately 3:30 PM, § 87(2)(b) was pulled over by a marked patrol car on Tompkins Avenue in Brooklyn (allegations A and B). PO McLeish told § 87(2)(b) to park further down the road. § 87(2)(b) complied and shortly thereafter, PO Chatterton approached his vehicle with his gun drawn halfway out of the holster. After § 87(2)(b) gave PO Chatterton his information, PO Chatterton returned to his vehicle and § 87(2)(b) remarked to him that there was no need for PO Chatterton to draw his weapon as PO Chatterton walked away. PO Chatterton returned shortly thereafter and gave § 87(2)(b) a summons for going through a red light. § 87(2)(b) asked PO Chatterton for his name and badge and PO Chatterton told him he could find it on the summons (allegation C). § 87(2)(b) told PO Chatterton that he needed to learn to keep his firearm in its holster. PO Chatterton again returned to his vehicle and then proceeded to drive slowly by § 87(2)(b) vehicle and give him a dirty look. § 87(2)(b) said aloud in a normal tone of voice, "Asshole." PO Chatterton immediately stopped the patrol car, jumped out and pointed his firearm at § 87(2)(b) (allegation D). PO Chatterton told § 87(2)(b) to exit his vehicle and subsequently handcuffed him (allegation E). PO McLeish exited the patrol car and frisked § 87(2)(b). PO Chatterton threw § 87(2)(b) into the patrol car. PO McLeish searched § 87(2)(b) vehicle (allegation F). Other units arrived at the scene and PO Chatterton told § 87(2)(b) that he would be issued a summons and released. § 87(2)(b) requested medical attention and PO Chatterton told him if he wanted medical attention, he would have to go to the precinct. § 87(2)(b) agreed and was transported to the stationhouse. PO Chatterton searched § 87(2)(b) and placed him in the holding cell. He was issued a summons for disorderly conduct and 'failed to obey a traffic control device' by PO McLeish and released. § 87(2)(b) found his vehicle waiting for him outside the stationhouse. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) a 5'9", 210-pound, § 87(2)(b) black male with brown hair, filed a civilian complaint on July 15, 2005 (encl. 8 A), provided phone statements on July 20, 2005 (encl. 10 A) and June 30, 2006 (encl. 12 A), and was interviewed at the CCRB on August 9, 2005 (encl. 11 A-D). § 87(2)(g)

§ 87(2)(b)

On July 6, 2005 at approximately 3:30 PM, § 87(2)(b) was traveling on Jefferson Avenue in Brooklyn when he made a right turn onto Tompkins Avenue. At that time, § 87(2)(b) noticed a marked patrol vehicle to his left on Tompkins Avenue that proceeded to follow his vehicle for a block and a half. The patrol car put on its overhead lights and § 87(2)(b) immediately pulled over between Hancock Street and Halsey Street (allegations A and B). The patrol car then pulled alongside and a light-skinned, 5'6", possibly Hispanic officer wearing glasses and sitting in the passenger side, PO1, who the CCRB identified as PO McLeish, instructed § 87(2)(b) to park a little further down the block. § 87(2)(b) complied. A white male officer about 6'2" with black hair, PO2, who the CCRB identified as PO Chatterton, exited the driver side of the patrol car and approached § 87(2)(b) vehicle while PO McLeish stayed in the patrol car. In his initial phone statement, however, § 87(2)(b) stated that the officer who told him to pull further up from the patrol car was the same officer who approached. PO Chatterton stopped at § 87(2)(b) back driver side window and § 87(2)(b) looked back, observing that PO Chatterton was holding his gun so that it was halfway out of the holster. § 87(2)(b) immediately gave his license and registration to PO Chatterton. At this point, PO Chatterton put his gun back in his holster and put the holster strap back over the gun. While PO Chatterton walked back to the patrol car, § 87(2)(b) told PO Chatterton that "there was no need for [PO Chatterton] to pull [his] gun on § 87(2)(b). After some time, PO Chatterton returned to § 87(2)(b) vehicle and gave him a summons for going through a red light, an act which § 87(2)(b) denies. In his initial phone statement, § 87(2)(b) stated that he was issued the disorderly conduct summons at this time as well. § 87(2)(b) asked PO Chatterton for his badge number and PO Chatterton told him it was on the ticket (allegation C). As PO Chatterton walked back to the patrol car, § 87(2)(b) said to PO Chatterton, "You need to learn to keep your firearm in your holster." PO Chatterton then got back in the patrol car and drove the car up alongside § 87(2)(b) vehicle. PO Chatterton gave § 87(2)(b) "a dirty look" from the driver seat. § 87(2)(b) then "said in a normal tone of voice, 'Asshole.'" PO Chatterton then "hit the brakes really hard, backed up, jumped out of his vehicle and said, 'Now you've done it.'" At this point, PO Chatterton drew his gun completely out and pointed it at § 87(2)(b) while § 87(2)(b) was still sitting inside his vehicle (allegation D). PO Chatterton then instructed § 87(2)(b) to get

out of the vehicle. § 87(2)(b) complied. In his civilian complaint, § 87(2)(b) stated that PO Chatterton said to him, "Get the fuck out of your car." In his CCRB statement, § 87(2)(b) never mentioned that PO Chatterton ever used any profanity. At this point, PO Chatterton handcuffed § 87(2)(b) (allegation E) while PO McLeish began to frisk § 87(2)(b) by patting down § 87(2)(b) pockets. PO Chatterton then "threw" § 87(2)(b) into the back of the patrol car by grabbing § 87(2)(b) by his shirt and shoving him into the vehicle. § 87(2)(b) fell so that the weight of his body was on his handcuffed hands and § 87(2)(b) hands were hurt as a result. § 87(2)(b) "believed [PO McLeish] was searching § 87(2)(b) vehicle" during this time (allegation F). In his second phone statement, § 87(2)(b) clarified that he actually did see PO McLeish search his car. PO McLeish looked on the front seat, both the driver side and passenger side. PO McLeish also looked in the glove box. No items were ever removed from his vehicle. Some time later, a male supervising officer in a white shirt, PO3, identified by name as Sgt. Panacopoulos, arrived at the scene. At this time, two more patrol cars arrived as well and a black male officer, PO4, arrived in a traffic scooter. About 4-5 other officers in blue uniform arrived but § 87(2)(b) stated in his interview he could not describe any of these officers at all. PO Chatterton walked over to § 87(2)(b) and told him he would be issued two summonses and then released. § 87(2)(b) told PO Chatterton that his wrists were hurting from the handcuffs and had gone numb. § 87(2)(b) asked PO Chatterton to see EMS. In his second phone statement, § 87(2)(b) clarified that at this point, PO Chatterton then told him that if he wanted medical attention the officers would have to bring him to the precinct. At the precinct, PO Chatterton took § 87(2)(b) information and put his personal property in a voucher. § 87(2)(b) was then put inside the holding cell. After about a half-hour, an EMS worker came into the holding cell and looked at § 87(2)(b) hands. The EMS worker told § 87(2)(b) that his hands were swollen because "the cuffs were too tight." Five to ten minutes after seeing EMS, § 87(2)(b) was released. § 87(2)(b) clarified in his second phone statement that this was the extent of the EMT's interaction with § 87(2)(b). § 87(2)(b) told the EMT he wanted to leave and not go to the hospital because he had to go to work. The EMT never wrote anything down. Before leaving the precinct, an officer identified PO Chatterton by name for § 87(2)(b) as "McLeish." In his civilian complaint, § 87(2)(b) also identified PO Chatterton by name as "McLeish." In his second phone statement, § 87(2)(b) clarified that this officer in the precinct simply identified PO McLeish by name as an officer at the scene - he never pointed out PO McLeish in the precinct. In his second phone statement, § 87(2)(b) stated that he did get his car back after he was released - it was parked in front of the precinct.

While still handcuffed inside the stationhouse, § 87(2)(b) was issued two more summonses by PO McLeish at some point: one for disorderly conduct and one for 'failed to obey traffic control device.'

In his second phone statement, § 87(2)(b) said that his middle name is § 87(2)(b). He believes that his NYS driver's license reads '§ 87(2)(b) § 87(2)(b)' - in that order. He never verbally provided the officers' with his name - they got his name solely from his driver's license.

In his second phone statement, § 87(2)(b) stated that he did not know what happened with the summonses. He never went to court. The last he checked, his NYS license was still active.

Results of Investigation

Officer Statements – PO Chatterton

PO Chatterton, a 6'0", 210-pound, § 87(2)(b)-old white male with brown hair, was interviewed at the CCRB on March 14, 2006 (encl. 14 A-C). On July 6, 2005, PO Chatterton was working a 0705x1540 tour and was patrolling sectors MNP with PO McLeish. He was in uniform and assigned to RMP 1690. His memo book entries (encl. 13 A-D) state the following: "1500 car stop / Tompkins Jefferson. White Lexus. No plate. Deft was stopped for disobeying traffic device at Tompkins Jefferson. Partner McLeish issued summons § 87(2)(b). As A/O drove off def stated to A/O, 'Fuck the police.' A/O took out his gun and arrested def for discon. § 87(2)(b) failed to obey traffic device. 1520 transported def to stationhouse. 1716 Money returned to def. Money 2,055.00. § 87(2)(b) signature]. § 87(2)(b) name printed]. A/O requested EMS to stationhouse due to def claim injury to his wrist/shoulder. Def refused treatment at house. Def stated shoulder was an old injury / right wrist swelled due to the cuffs. § 87(2)(b) 1710. 1720 def released from 79 pct."

On July 6, 2005 at approximately 3:30 PM, PO Chatterton and PO McLeish were traveling southbound on Tompkins Avenue when PO McLeish observed a white Lexus traveling westbound on Jefferson Avenue go through the red light at the intersection of Tompkins Avenue and Jefferson Avenue and make a right onto Tompkins Avenue directly in front of the patrol vehicle. At the time the Lexus went through the light, a vehicle directly in front of the officers had to stop short. PO Chatterton, who was the operator, pulled the vehicle over by using the RMP lights and siren at the corner of Tompkins Avenue and Halsey Street. PO Chatterton approached the driver side and PO McLeish approached the passenger side. PO Chatterton unclipped his holster and put his hand on his gun. He did not draw his weapon at this time. PO Chatterton spoke to § 87(2)(b) who was alone in his vehicle, and asked for his license, registration and insurance. At this time, § 87(2)(b) “was a little combative” – he was a little hesitant to give his information right away. § 87(2)(b) eventually complied and the officers returned to the patrol car. § 87(2)(b) never made any comment about PO Chatterton having his hand on his firearm. The officers conducted a warrant check. PO McLeish issued § 87(2)(b) 2 summonses: “one for disobeying a red device and I believe failed to obey a traffic device as well.” Both officers again approached the vehicle and PO Chatterton gave the summonses to § 87(2)(b) – “as I gave the defendant his summonses and proceeded to walk away, the defendant stated to me, ‘Fuck the police.’” When § 87(2)(b) made this comment, PO Chatterton had walked only 2 feet away from § 87(2)(b) and was by the trunk of § 87(2)(b) vehicle. PO Chatterton stopped, turned around and asked § 87(2)(b) “Are you speaking to me? Were those comments directed towards me?” § 87(2)(b) did not respond. § 87(2)(b) “proceeded not to raise his eyes or his head. At that time I felt threatened so I did pull out my gun. I asked to see his hands and I asked him to step out of the vehicle.” During this time, § 87(2)(b) was sitting inside his vehicle, which was still running, and his hands were not visible. He was facing forward – away from PO Chatterton – and looking down when he made the comment. When PO Chatterton was asked to articulate why he pulled out his gun, he stated, “I felt threatened.” PO Chatterton then pointed his weapon at § 87(2)(b). When PO Chatterton was asked to articulate why he pointed his firearm at § 87(2)(b) he responded, “Because I couldn’t see his hands. I didn’t know what he was doing.” PO Chatterton asked to see § 87(2)(b) hands. § 87(2)(b) did not immediately respond and began saying, “What did I do?” § 87(2)(b) stepped out of the vehicle and PO Chatterton holstered his firearm. § 87(2)(b) placed his hands on the roof of his vehicle per PO Chatterton’s instructions. PO Chatterton initially stated in his interview that during this time PO McLeish was “backing me.” When PO Chatterton was asked if PO McLeish had his gun drawn at this time, however, he responded that he could not actually see PO McLeish – he believed that PO McLeish was still by the passenger side of § 87(2)(b) vehicle. PO Chatterton placed § 87(2)(b) under arrest for disorderly conduct. When PO Chatterton was asked what § 87(2)(b) had done which constituted as disorderly conduct, he cited § 87(2)(b) comment – “Fuck the police.” When asked if there was anything else besides that comment, he replied, “Not that I recall.” PO Chatterton handcuffed § 87(2)(b) who was “a little hesitant” to comply – he did not initially listen to his instructions to put his hands behind his back. PO Chatterton grabbed one of § 87(2)(b) hands and put it behind his back and § 87(2)(b) willingly brought his other hand behind his back. PO Chatterton was not aware of what PO McLeish was doing at this time. Sgt. Panacopoulos was called to the scene and he arrived minutes after § 87(2)(b) was handcuffed. PO Chatterton could not recall any other officers arriving at the scene but later stated that Sgt. Panacopoulos called another officer to the scene. PO Chatterton frisked § 87(2)(b) no contraband was recovered. PO Chatterton ordered § 87(2)(b) to get in the back of the patrol car and he was compliant. PO Chatterton never had to use any physical force whatsoever to get § 87(2)(b) in the patrol car. § 87(2)(b) was then transported to the stationhouse and while at the stationhouse PO Chatterton searched § 87(2)(b) but recovered no contraband. § 87(2)(b) vehicle was transported back to the stationhouse and PO McLeish searched the vehicle at the stationhouse. When PO Chatterton was asked why the vehicle was searched, PO Chatterton stated it was searched because it was part of inventory. PO Chatterton cited that § 87(2)(b) had \$2,055.00 on his person. § 87(2)(b) requested EMS. He claimed he had injuries to his wrist and shoulder. PO Chatterton called EMS to the stationhouse. § 87(2)(b) later refused medical attention at the stationhouse. § 87(2)(b) told EMS that the shoulder injury was an old injury and that his wrist swelled due to the handcuffs. PO Chatterton got EMT’s name – § 87(2)(b) § 87(2)(b) was then issued another summons for disorderly conduct before being released.

Sgt. Panacopoulos instructed another officer to drive § 87(2)(b) vehicle back to the stationhouse. PO Chatterton could recall the identity of this officer.

PO Chatterton could not recall any search of § 87(2)(b) vehicle being conducted at the scene. § 87(2)(b) never requested medical attention at the scene.

PO Chatterton could not recall § 87(2)(b) ever calling either officer “an asshole.” PO Chatterton could not recall § 87(2)(b) ever asking either officer for their name and shield.

Officer Statements – PO McLeish

PO McLeish, a 5’4”, 165-pound, § 87(2)(b)-old black male with brown hair, was interviewed at the CCRB on April 3, 2006 (encl. 17 A-C). § 87(2)(g)

§ 87(2)(b) On July 6, 2005, he was working a 0705x1540 tour and was patrolling sectors MNP with PO Chatterton. He was in uniform and assigned to RMP 1690. His memo book entries (encl. 15 A-C) state the following: “1450 At t/p/o deft § 87(2)(b) was observed driving s/b Tompkins Ave c/o Jefferson Ave. Deft made a right turn on Tompkins through red light. Deft was stopped at c/o Tompkins Ave and Halsey St and issued summonses #§ 87(2)(b) – disobeyed red light. As PO(s) pulled off in RMP, deft stated loud “Fuck you and the police” to us. Partner proceeded to stop veh and ordered deft out of veh at this time. 1500 Deft also issued #§ 87(2)(b) discon and § 87(2)(b) disobey traffic control device. Car white Lexus.” PO Chatterton issued 3 summonses to § 87(2)(b) (encl. 16 A): 1 for ‘disobeyed red light, 1 for ‘failed to obey traffic control device’ and 1 for ‘disorderly conduct.’ All three summonses provide the same location: “southbound on Tompkins corner of Jefferson.” All 3 state that § 87(2)(b) provided a Georgia license and that his car had a Georgia license plate with no plate number.

§ 87(2)(b) was cooperative in response to PO Chatterton’s request for his information. PO Chatterton ran § 87(2)(b) license and PO McLeish wrote the summons. When PO McLeish finished writing the summons, he gave it to PO Chatterton since PO Chatterton had been the officer speaking to § 87(2)(b). Upon approaching § 87(2)(b) vehicle a second time, after PO McLeish observed PO Chatterton give the summons to § 87(2)(b) and begin walking away, PO McLeish proceeded to walk back to the RMP. PO McLeish did not hear any of the exchange whatsoever between § 87(2)(b) and PO Chatterton during this time. When PO McLeish began getting in the RMP, he noticed that PO Chatterton was still back at the car with § 87(2)(b). PO McLeish again approached § 87(2)(b) vehicle and observed that PO Chatterton had § 87(2)(b) hands on top of the vehicle. Shortly thereafter, PO Chatterton handcuffed § 87(2)(b). PO McLeish observed that the situation was under control. At this point in time, PO McLeish had no idea what happened. PO Chatterton reported to PO McLeish that § 87(2)(b) had stated, “Fuck you to the police and us” – PO Chatterton never actually heard this comment himself. PO Chatterton placed § 87(2)(b) in the backseat of the RMP. § 87(2)(b) was cooperative – no force was necessary to place § 87(2)(b) in the RMP. PO McLeish never heard § 87(2)(b) say anything to PO Chatterton that was derogatory in any way and § 87(2)(b) never offered any resistance whatsoever. During this time, § 87(2)(b) complained about an old shoulder injury and asked for medical attention. A supervisor was called to the scene – either Sgt. Panacopoulos or Sgt. Robinson. The supervisor that arrived spoke to PO Chatterton about the incident. PO McLeish did not hear the extent of the conversation as he was by the RMP keeping an eye on § 87(2)(b). Soon afterwards, PO McLeish and PO Chatterton were instructed to take § 87(2)(b) back to the stationhouse. Another officer that reported to the scene drove § 87(2)(b) vehicle back to the stationhouse. At the stationhouse, an ambulance was called for § 87(2)(b). When the ambulance appeared, § 87(2)(b) refused medical attention. The ‘failed to obey traffic control device’ and ‘disorderly conduct’ summonses were issued to § 87(2)(b) at the stationhouse. PO McLeish never had any verbal or physical interaction with § 87(2)(b).

PO McLeish never saw PO Chatterton draw his firearm or point his firearm at § 87(2)(b).

The ID that § 87(2)(b) provided gave his name as § 87(2)(b). As far as PO McLeish understood, § 87(2)(b) first name was “§ 87(2)(b).”

PO McLeish was unaware if § 87(2)(b) vehicle was ever searched, either at the scene or at the stationhouse. PO McLeish stated the car was brought back to the stationhouse as part of procedure – “you never leave a vehicle there.” Nevertheless, the sergeant at the scene made that determination. PO McLeish had no idea which officer drove the vehicle back to the stationhouse.

Officer Statements – Sgt. Panacopoulos

Sgt. Panacopoulos, a 6'4", 195-pound, § 87(2)(b) -old white male with black hair, was interviewed at the CCRB on May 15, 2006 (encl. 19 A-B). On July 6, 2005, he was working a 0655x1552. He could not recall his assignment or his partner. He was in uniform and could not recall if he was assigned to a motor vehicle. He was shown a copy of the roll call and acknowledged that he was likely the patrol supervisor. His memo book entries (encl. 18 A-B) contained no mention of the incident.

Sgt. Panacopoulos could not recall this incident whatsoever. Even when the incident was described in detail, he still stated that the incident did not sound familiar whatsoever. He was shown copies of the summonses. He was asked in what circumstances an individual's car would be taken back to the stationhouse rather than legally parked and left at the scene. He stated, "I can give you a couple of scenarios... for the purpose of safekeeping, in case he's been placed under arrest and there's no one else to secure it. It could be brought back as a piece of evidence from a crime scene." He stated that not in all cases would a person be transported to the stationhouse simply because they requested medical attention – that same individual could be treated at the scene.

Officer Statements – PO Isaacs

PO Isaacs, a 5'3", 135-pound, § 87(2)(b) -old black female with black hair, was interviewed at the CCRB on May 19, 2006 (encl. 21 A-B). On July 6, 2005, she was working a 0705x1930 tour. She was the sergeant's operator for Sgt. King and was in uniform. She was assigned to RMP 1727. Her memo book entries (encl. 20 A-C) contained no mention of the incident. At 12:07 PM, she had appeared at the stationhouse to process a recent arrest and was present there until the end of her tour at 1930.

PO Isaacs did not recall this incident at all. Even when the incident was described in detail, she said it did not sound familiar whatsoever. She did not remember any individual by the name of § 87(2)(b) or § 87(2)(b) being brought into the stationhouse. She could not recall if she was ever present in the holding cell area.

Officer Statements – PO Nussenblatt

PO Nussenblatt, a 5'8", 250-pound, § 87(2)(b) -old white male with blonde hair, was interviewed at the CCRB on July 5, 2006 (encl. 21 A-B). On July 6, 2005 he was working a 0607x1430 tour. To the best of his knowledge he believed that he was the assistant desk officer. After reviewing the roll call, he acknowledged it was possible that he was Sgt. Panacopoulos' operator that day. He was in uniform. He acknowledged it was possible that he was assigned to the RMP listed on the roll call. His memo book entries (encl. 22 A-B), which had to be requested through IAB, contain only the incident date but do not include the time of the incident. The entries confirm that he was the operator for Sgt. Panacopoulos that day.

PO Nussenblatt could not recall this incident whatsoever. Even when the incident was described in great detail, he said that none of it sounded familiar whatsoever.

Sprint Printout

Sprint job W07288 (encl. 24 A) indicates at 1454 sector M of the 79th Precinct called in a 10-10 V2, 'possible crime – vehicle suspicious/outside' for the corner of Halsey Street and Tompkins Avenue. At the same time, a 10-92 C, 'crime arrest,' was called in. At 1509, a 10-82, 'verification/arrest,' was called in and it was reported there was 1 under. A warrant check at 1513 produced no hits.

Roll Call for the 79th Precinct

The roll call for tour 2 (encl. 25 A-E) indicates that PO Chatterton and PO McLeish were patrolling sectors MNP. Sgt. Panacopoulos was the patrol sergeant and PO Nussenblatt was marked specifically as Sgt. Panacopoulos' operator. PO Isaacs appears as a sergeant's operator (unspecified). There were no black male officers assigned to scooter detail or scooter school that day.

Prisoner Holding Pen Roster

The prisoner holding pen roster (encl. 26 A) indicates that § 87(2)(b) was brought into the holding cell at 1550 and released at 1715. It indicates in the remarks section that he was issued a summons by PO Chatterton. § 87(2)(b) first name was originally listed as “§ 87(2)(b)” then crossed out and changed to § 87(2)(b)

Command Log

The command log (encl. 27 A) indicates that § 87(2)(b) was brought in as an arrest at 1535 by PO Chatterton. His first name was listed as listed as “§ 87(2)(b)” and he was charged with disorderly conduct. Under physical condition, it states “old injury to right shoulder.” It indicates § 87(2)(b) requested medical attention. Sgt. Panacopoulos appears as the supervisor verifying arrest. § 87(2)(b) was released at 1713 and issued two summonses.

Status of Summonses

§ 87(2)(b) was convicted of the ‘passed red light’ summons on § 87(2)(b) (encl. 29 B, E) on default.

§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian Criminal Conviction History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian DMV History

§ 87(2)(b)

§ 87(2)(b)

Officer CCRB History

Neither PO Chatterton nor PO McLeish have ever had any allegations substantiated against them at the CCRB (encl. 6 A-C).

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified PO Chatterton and PO McLeish by description. § 87(2)(b) identified PO McLeish by name. PO McLeish prepared the 3 summonses issued to § 87(2)(b) PO Chatterton and PO McLeish both acknowledged their interaction with § 87(2)(b). The roll call indicates that Sgt. Panacopoulos was a patrol supervisor and PO Nussenblatt was his operator that day. The command log indicates that Sgt. Panacopoulos supervised § 87(2)(b) arrest.

Undisputed Facts

It is undisputed that PO Chatterton and PO McLeish pulled over § 87(2)(b) vehicle. PO Chatterton was holding his firearm in his hand at the time he approached § 87(2)(b) vehicle. PO McLeish prepared a

Disputed Issues

Credibility

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Determination of Fact

§ 87(2)(g) [Redacted text block]

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Allegation A. PO Kevin McLeish stopped the car in which § 87(2)(b) was an occupant.

Allegation B. PO Keith Chatterton stopped the car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

Allegation C. PO Keith Chatterton refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(g)

Allegation D. PO Keith Chatterton pointed his gun at § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) The ‘Scale of Escalating Force,’ as outlined in the NYPD Police Student’s Guide (encl. 2 A-C), indicates that it is appropriate for an officer to draw or display their firearm only when there exists “threatened or potential lethal assault.” The Guide indicates that drawing a weapon “should be considered a high level of force” and due to the fact that it “is so provocative and alarming, it should be done only under circumstances in which officers reasonably believe that they may soon have to use deadly force to defend themselves or others against lethal assaults. Such circumstances may include: responses to violent crimes in progress, searches for hidden or fleeing violent crime suspects [and] confrontations with known violent offenders or persons alleged to have committed crimes punishable by lengthy sentences.” § 87(2)(g)

§ 87(2)(b) In OATH case 955/00, PD v. Gliner (encl. 1 A-C), the judge noted that “an officer can draw his weapon and point it at another person so long as he has a reasonable fear for his own or another’s personal safety” and that “the determination as to when that exercise of discretion rises to the level of misconduct must be made by assessing the reasonableness of the officer’s actions in the totality of the circumstances.” § 87(2)(g)

Allegation E. PO Keith Chatterton arrested § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) According to New York State Law regarding disorderly conduct, a person who engages in a particular subsection must have the “intent to cause public inconvenience, annoyance or alarm, or recklessly create a risk” (Penal Law and Criminal Procedure Law of the State of New York, 2002) (encl. 3 A) in order to be guilty of disorderly

conduct. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The First Amendment guarantees people the freedom of expression. In *PD v. Gallagher* (OATH case 2126/00), the judge noted the following: “one of the reasons we expect police to be less sensitive to provocation, according to the Supreme Court, is because ‘the freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state (*Houston*, 482 U.S. at 462-63, 107 S.Ct. at 2510)’” (encl. 4 A-C). In *PD v. Erazo* (OATH case 78196/02), in which PO Erazo was found guilty of wrongfully arresting a motorist for disorderly conduct in which a motorist did admittedly shout profanities at the officer and did display “obnoxious behavior,” the judge ultimately determined that “[the subject officer] was not acting in good faith. On the contrary... the record establishes that the sole reason that [the complainant] was arrested was because he had annoyed [the subject officer] by cursing at him and calling him an idiot. In sum, [the judge] found that an indignant [subject officer] arrested [the complainant] solely out of pique because he felt that [the complainant] had disrespected him” (encl. 5 A-B). § 87(2)(g)

Allegation F. PO Kevin McLeish searched the car in which § 87(2)(b) was an occupant. PO McLeish stated that he was never aware of a car search. On the other hand, § 87(2)(b) said the search happened at the scene while PO Chatterton said the search happened at the stationhouse. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: